IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT ILLINOIS
EASTERN DIVISION

REBECCA OLMSTED,	)	
	)	
Plaintiff	)	**Case No. 08 C 142**
	)	
v.	)	Judge: Leinenweber
	)	
RESIDENTIAL PLUS MORTGAGE CORPORATION	)	Magistrate Judge: Nolan
an Illinois Corporation, and	)	
KELLY ZOUDO	)	
Defendants	)	
	)	Related, for Discovery
	)	Purposes with:
HEATHER WESTCOTT,	)	
	)	
Plaintiff	)	**Case No. 08 C 419**
	)	
v.	)	Judge: Gettleman
	)	
RESIDENTIAL PLUS MORTGAGE CORPORATION	)	Magistrate Judge: Nolan
an Illinois Corporation, and	)	
KELLY ZOUDO	)	
Defendants	)	

INITIAL STATUS REPORT

Meeting. Pursuant to F.R.C.P. 26(f), a meeting was held on May 22, 2008 telephonically and was attended by:

William P. Boznos of Bellas & Wachowski for all Plaintiffs
William D. Kelly of Kelly & Karras, Ltd., for all Defendants

1.   The Nature of the Case

A.   Identify the attorneys of record for each party, including the lead trial attorney.

Plaintiffs' Attorneys
George S. Bellas*
William P. Boznos
Bellas & Wachowski
15 N. Northwest Highway
Park Ridge, Illinois 60068
(847) 823-9030

Defendants' Attorneys
William D. Kelly*
Kelly & Karras, Ltd.
619 Enterprise Drive
Suite 205
Oak Brook, Illinois 60523
(630) 575-0202

*designates lead trial attorney

B.   State the basis for federal jurisdiction.

Jurisdiction arises under the provisions of the Fair Labor Standards Act, 29 U.S.C. § 201 et. seq., including §§ 206 and 207 and the Portal to Portal Act, 29 U.S.C. § 251 et. seq., 28 U.S.C. § 1331, and 42 U.S.C. § 1981. There is supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.(f)

C.   Describe the nature of the claims asserted in the complaint and any counterclaims.

Unlawful employment practices including the willful refusal to pay overtime compensation for all hours worked in excess of forty (40) in a single workweek pursuant to the fair Labor Standards Act (FLSA) as well as the Illinois Minimum Wage Law (IMWL) and the Illinois Wage payment and Collection Act.

D.   State the major legal and factual issues in the case.

(1)   Classification of employees pursuant to the FLSA and IMWL;
(2)   Number of Hours Worked in a Single Workweek;
(3)   Compliance with Record Keeping Requirements;
(4)   Potential Class Certification;
(5)   Notification to Potential Class Members.

E.   Describe the relief sought by the Plaintiffs.

(1)   Punitive and compensatory damages under the FLSA in an amount equal to $30,000.26-Plaintiff Olmsted; $70,276.08-Plaintiff Westcott;
(2)   Punitive and compensatory damages under the IMWL in an amount equal to $16,970.93-Plaintiff Olmsted; $48,680.41-Plaintiff Westcott;
(3)   Reasonable Attorneys fees under the FLSA (to be determined);
(4)   Reasonable Attorneys fees under the IMWL (to be determined);
(5)   All Costs and Expenses associated with the matter;
(6)   Potential Class Certification and Class-wide Damages.

2.   Pending Motions and Case Plan

A.   Identify All Pending Motions

N/A at this time

B.   **Submit a proposal for a discovery plan, including the following information:**

The type of discovery needed:

All elements constituting the individual claims in the Complaint, including but not limited to:

(i)   Classification of Employees by the Employing Units; (Written)
(ii)   Payroll Records and Time Sheets; (Written)
(iii)   Record Keeping Practices; (Written)
(iv)   Current and Former Employee Records; (Written)
(v)   Depositions of Management; (Oral)
(vi)   Class Certification; (Written)
(vii)   Class Notification; (Written)

Date for Rule 26(a) disclosures:

Plaintiffs' Rule 26 (a) Disclosures tendered to Defendants - April 22, 2008
Defendants will serve Rule 26 (a) Disclosures to the Plaintiffs before
May 30, 2008

Fact discovery completion date:

(i)   All non-class written fact discovery to be completed within 90 days, by (August 26, 2008). All class related fact discovery to be completed within 120 days (September 25, 2008)

(ii)   The parties contemplate that all non-expert depositions will be completed by September 30, 2008. In the event that additional parties are joined or the pleadings are amended to include additional counts, the parties agree and reserve the right to seek Court approval to modify the deadlines for non-expert depositions to respond to said additional parties/counts.

(iii)   The parties contemplate that all non-class discovery will be commenced in time to be completed by November 1, 2008. The parties contemplate that all Class related discovery will be commenced in time to be completed by November 1, 2008.

(iv)   The parties contemplate they will need approximately 6 depositions.

        Expert discovery completion date, including dates for the delivery of expert reports:

        From Plaintiffs by December 1, 2008
        From Defendants by December 1, 2008

Date for the filing of dispositive motions:

All potentially dispositive motions should be filed by December 15, 2008.

Date for the Filing of a Final Pretrial Order:

Final Pretrial Order: Plaintiffs to prepare proposed draft by <u>January 15, 2009</u>; parties to file Joint Final Pretrial Order by <u>January 30, 2009</u>.

C.   With respect to trial, indicate the following:

<u>Whether a jury trial is requested:</u>

Yes

<u>The probable length of trial:</u>

1 week

<u>When the case will be ready for trial:</u>

March 1, 2009.

3.   Consent to Proceed Before a Magistrate Judge

Indicate whether the parties consent unanimously to proceed before a Magistrate Judge.

Plaintiffs <u>are willing</u> to proceed before a Magistrate Judge.

Defendants <u>are willing</u> to proceed before a Magistrate Judge.

4.   Status of Settlement Discussions

<u>Indicate whether any settlement discussions have occurred:</u>

The Parties have undertaken preliminary settlement discussions at the present time.

<u>Describe the status of any settlement discussions:</u>

Defendants continue to evaluate Plaintiffs claim prior to actively engaging in settlement discussions.

<u>Whether the parties request a settlement conference:</u>

The parties believe a settlement conference at an early point be beneficial.

Date: <u>May 22, 2008</u>

Plaintiffs: Defendants:

By: <u>/s/ William P. Boznos</u>   By: <u>/s/ William D. Kelly</u>
         Bellas & Wachowski   Kelly & Karras, Ltd.